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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/991,737	11/26/2001	Keiju Kishigami	1163-0369P	5555
2292	7590	11/23/2004	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			SANTOS, PATRICK J D	
			ART UNIT	PAPER NUMBER
			2161	

DATE MAILED: 11/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/991,737

Applicant(s)

KISHIGAMI, KEIJU

Examiner

Patrick J Santos

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 May 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Priority

1. Applicant has requested acknowledgement of priority under 35 U.S.C. §119. Examiner acknowledges priority and has noted as such on the PTOL-326 form in this Office Action.

Specification

2. Examiner notes new title, and withdraws objection to the specification.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 8, 10-11, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent. No. 5,552,989 issued to Bertrand (hereafter Bertrand '989) in view of U.S. Patent No. 4,661,811 issued to Gray et al. (hereafter Gray '811), and in further view of U.S. Patent No. 3,731,387 issued to Slemmons (hereafter Slemmons '387).

Claim 1:

Regarding Claim 1, Bertrand '989 teaches a navigation device for displaying dated map data (Bertrand '989: col. 1, lns. 38-44) comprising:

- map storing means for storing the map data (Bertrand '989: col. 4, lns. 39-40);

- specifying means of the map data to be displayed (Bertrand '989: col. 1, lns. 44-47);
- first display editing means for reading the map data as specified from said map storing means, and editing the map data to be displayed (Bertrand '989: col. 1, lns. 44-47);
- displaying means for displaying the edited map data of the specific year as wells as different map data (Bertrand '989: col. 1, lns. 44-45);

However, Bertrand '989 does not explicitly disclose:

- storing data for a plurality of years;
- that the specifying means provides for specifying a specific year;
- that the displayed edited map data is of a different year;
- that the different edited map data is edited map data of a different year;

Nor does Bertrand '989 explicitly disclose:

- second display editing means for reading map data of a different year from said map storing means, and editing the map data to be displayed;
- wherein the edited map data from the specific year and the edited map data from the different year are superposed on the said displaying means.

Gray '811 teaches a means to create overlays over cartographic data. Specifically, Gray '811 teaches:

- second display editing means for reading different map data than that specified from said map storing means, and editing the map data to be displayed (Gray '811: col. 9, lns. 27-36);

- wherein the edited map data from the specific year and the edited map data from the different year are superposed on the said displaying means (Gray '811: col. 9, lns. 27-36).

However, Gray '811 does not explicitly disclose:

- storing data for a plurality of years;
- that the specifying means provides for specifying a specific year;
- that the displayed edited map data is of a different year;
- that the different edited map data is edited map data of a different year;

Slemmons '387 discloses a stock market charting apparatus. Specifically, Slemmons '387 discloses:

- storing data for a plurality of years (Slemmons '387: col. 8, lns. 45-55);
- that the specifying means provides for specifying a specific year (Slemmons '387: col. 8, lns. 45-55);
- that the displayed edited map data is of a different year (Slemmons '387: col. 8, lns. 45-55);
- that the different edited map data is edited map data of a different year (Slemmons '387: col. 8, lns. 45-55);

It would have been obvious to a person having ordinary skill in the art to combine the overlaying technology of Gray '811 with the navigation device of Bertrand '989. The motivation to combine is suggested by Gray '811 which discloses that use of the overlaying technology of Gray '811 provides for displaying a wide variety of information in relation to a map background (Gray '811: col. 1, lns. 2-10) and provides the advantage of providing easier

retrieval and updating of records (Gray '811: col. 1, lns. 11-13). Furthermore, Gray '811 discloses an general algorithm for overlaying (but discloses a preferred embodiment in a video-disc recorder), and is non-specific for the means of video reproduction (Gray '811: col. 1, lns. 59-60) and is thus applicable to the navigation device of Bertrand '989.

It would have been further obvious to a person having ordinary skill in the art to combine the time period comparison of Slemmons '389 to Bertrand '989 and Gray '811 in combination. The motivation to combine is suggested by Slemmons '389 which discloses time period comparisons as one of many desirable parameters to compare data (Slemmons '387: col. 8, lns. 45-55). Although the disclosure of Slemmons '389 is directed towards financial data, the disclosure of Slemmons '389 is relevant to all species of data, including the map data of Bertrand '989 and Gray '811 in combination.

Claims 8:

Claim 8 is rejected on the same basis as Claim 1 (supra).

Claim 10:

Regarding Claim 10, Bertrand '989, Gray '811, and Slemmons '387 in combination disclose all the limitations of Claim 1 (supra). Further note that Bertrand '989, Gray '811, and Slemmons '387 in combination disclose that the searching means for searching an updated portion of the map data based on the specified year and a data item (Bertrand '989: col. 3, lns. 38-47; col. 3, ln. 63 to col. 4, ln. 9 and Slemmons '387: col. 8, lns. 45-55). Specifically, Bertrand '989 of the Bertrand '989, Gray '811, and Slemmons '387 combination teaches a generic user interface. As combined with Gray '811 and Slemmons '387 which provide additional time

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access functionality, the Bertrand '989 user interface is enabled to accomplish searches over a time period as well.

Claim 11:

Regarding Claim 11, Bertrand '989, Gray '811, and Slemmons '387 in combination disclose all the limitations of Claim 10 (supra). Further note that Gray '811 of the Bertrand '989, Gray '811, and Slemmons '387 combination discloses, that the data item includes road information, facility information, address information, or telephone number information (Gray '811: col. 1, lns. 2-10). Specifically, Gray '811 of the Bertrand '989, Gray '811, Slemmons '387, and Takagi '961 combination indicates a class of data that lends itself to being displayed in relation to a map background. This class of data includes road information, facility information, address information, and telephone number information, and thus Gray '811 reads upon this limitation.

Claim 12:

Regarding Claim 12, Bertrand '989 discloses:

- storing map data (Bertrand '989: col. 4, lns. 39-40);
- reading the map data from the stored map data (Bertrand '989: col. 1, lns. 44-47);
- editing the map data to be displayed (Bertrand '989: col. 1, lns. 44-45);
- reading different map data from the stored map data (Bertrand '989: col. 1, lns. 44-47);
- editing different map data from the stored map data (Bertrand '989: col. 1, lns. 44-45);
- displaying the edited map data and the different map data (Bertrand '989: col. 1, lns. 44-45).

However, Bertrand '989 does not explicitly disclose:

- data for a plurality of years
- specifying a specific year of the data
- that the different data is data from a different year than that specified
- wherein the edited map data from the specific year and the edited map data from the different year are superimposed on a display.

Slemmons '387 discloses:

- data for a plurality of years (Slemmons '387: col. 8, lns. 45-55);
- specifying a specific year of the data (Slemmons '387: col. 8, lns. 45-55);
- that the different data is data from a different year than that specified (Slemmons '387: col. 8, lns. 45-55).

However, Slemmons '387 does not explicitly disclose:

- wherein the edited map data from the specific year and the edited map data from the different year are superimposed on a display.

Gray '811 discloses a means to superimpose data (Gray '811: col. 9, lns. 36-50).

It would have been obvious to a person having ordinary skill in the art to apply the data over a plurality of years of Slemmons '387 with the digital map reader of Bertrand '989. The motivation to combine is suggested by Slemmons '389 which discloses time period comparisons as one of many desirable parameters to compare data (Slemmons '387: col. 8, lns. 45-55).

Although the disclosure of Slemmons '389 is directed towards financial data, the teaching of Slemmons '389 is relevant to all species of data, including the map data of Bertrand '989.

It would have been further obvious to a person having ordinary skill in the art to apply the superposition of images of Gray '811 to the Bertrand '989 and Slemmons '387 combination.

The motivation to combine is suggested by Gray '811 which teaches that use of the overlaying technology of Gray '811 provides for displaying a wide variety of information in relation to a map background (Gray '811: col. 1, lns. 2-10) and provides the advantage of providing easier retrieval and updating of records (Gray '811: col. 1, lns. 11-13). Furthermore, Gray '811 discloses an general algorithm for overlaying (but discloses a preferred embodiment in a video-disc recorder), and is non-specific for the means of video reproduction (Gray '811: col. 1, lns. 59-60) and is thus applicable to the navigation device of Bertrand '989 and Slemmons '389 in combination.

5. Claims 2 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bertrand '989, Gray '811, and Slemmons '387, in view of U.S. Patent No. 5,761,649 issued to Hill (hereafter Hill '649).

Claims 2 and 9:

Regarding Claims 2 and 9, Bertrand '989, Gray '811, and Slemmons '387 in combination disclose all the limitations of Claims 1 and 8 respectively (supra). However, Bertrand '989, Gray '811, and Slemmons '387 in combination do not explicitly disclose that the map data from the different year includes the latest map data.

Hill '649 teaches a means of providing the most recent data available (Hill '649: col. 2, lns. 3-34). Specifically, Hill '649 discloses that the map data from the different year includes the latest map data.

It would have been obvious to a person having ordinary skill in the art to apply the most recent data method of Hill '649 with the Bertrand '989, Gray '811, and Slemmons '387

combination. The motivation to accomplish said application is suggested by Hill '649 which discloses application of the invention of Hill '649 provides a uniform view of time-disparate data and provides the user with the most recent data in order to make informed decisions (Hill '649: col. 2, lns. 29-34). Furthermore, note that Hill '649 discloses applicability to graphical data (Hill '649: Abstract, lns. 1-2) which includes the map data of Bertrand '989, Gray '811, and Slemmons 387 in combination.

6. Claims 3-6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bertrand '989, Gray '811, and Slemmons '387, in view of U.S. Patent No. 6,107,961, issued to Takagi (hereafter Takagi '961).

Claim 3:

Regarding Claim 3, Bertrand '989, Gray '811, and Slemmons '387 in combination disclose all the limitations of Claim 1 (supra). However, Bertrand '989, Gray '811, and Slemmons '387 in combination do not explicitly disclose that the map data includes at least one emphasized data item specified by said specifying means, and the displaying means displays both emphasized data items and normal data items.

Takagi '961 teaches a web-browser like user interface which includes the means to select an item to be emphasized. Specifically, Takagi '961 discloses the map data includes at least one emphasized data item specified by said specifying means, and the displaying means displays both emphasized data items and normal data items (Takagi '961: col. 6, lns. 33-40).

It would have been obvious to a person having ordinary skill in the art to apply the highlighting means of Takagi '961 to the Bertrand '989, Gray '811, and Slemmons '387

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combination. The motivation to combine is suggested by Takagi '961, which discloses that use of the invention of Takagi '961 allows for a disconnected access of the map database and results in improved scalability between the display unit and the database (Takagi '961: col. 3, lns. 14-25).

Claim 4:

Regarding Claim 4, Bertrand '989, Gray '811, Slemmons '387, and Takagi '961 in combination disclose all the limitations of Claim 3 (supra). Further note that the Bertrand '989, Gray '811, Slemmons '387, and Takagi '961 combination disclose, that the emphasized data items (Takagi '961: col. 3, lns. 14-25) include, facility information, address information, or telephone number information (Gray '811: col. 1, lns. 2-10). Specifically, Gray '811 of the Bertrand '989, Gray '811, Slemmons '387, and Takagi '961 combination indicates a class of data that lends itself to being displayed in relation to a map background. This class of data includes road information, facility information, address information, and telephone number information, and thus Gray '811 reads upon this limitation.

Claim 5:

Regarding Claim 10, Bertrand '989, Gray '811, and Slemmons '387 in combination disclose all the limitations of Claim 1 (supra). However, Bertrand '989, Gray '811, and Slemmons '387 in combination do not explicitly disclose that when among data items included in the map data, a data item to be displayed in the normal display mode is specified by said specifying means, said second display editing means functions as a normal display editing means and edits only the specified data item to be normal display data, and other data items to be weak display data.

Takagi '961 teaches a web-browser like user interface which includes the means that The map data includes data items and said displaying means displays emphasized data items in a visually weakened state (Takagi '961: col. 6, lns. 33-40).

It would have been obvious to a person having ordinary skill in the art to apply the highlighting means of Takagi '961 to the Bertrand '989, Gray '811, and Slemmons '387 combination. The motivation to combine is on the same basis as Claim 3 (supra).

Claim 6:

Regarding Claim 6, Bertrand '989, Gray '811, Slemmons '387, and Takagi '961 in combination disclose all the limitations of Claim 5 (supra). Further note that Bertrand '989, Gray '811, Slemmons '387, and Takagi '961 in combination disclose, that the data items include road information, facility information, address information, or telephone number information (Gray '811: col. 1, lns. 2-10).

7. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bertrand '989 in view of Slemmons '387.

Claim 13:

Regarding Claim 12, Bertrand '989 discloses:

- storing map data (Bertrand '989: col. 4, lns. 39-40);
- reading the map data from the stored map data (Bertrand '989: col. 1, lns. 44-47);
- editing the map data to be displayed (Bertrand '989: col. 1, lns. 44-45);
- reading different map data from the stored map data (Bertrand '989: col. 1, lns. 44-47);
- editing different map data from the stored map data (Bertrand '989: col. 1, lns. 44-45);

- displaying the edited map data and the different map data (Bertrand '989: col. 1, lns. 44-45);
- displaying the edited map data in a first display area and the different map data in a second display area (Bertrand '989: col. 2, lns. 55-66);

However, Bertrand '989 does not explicitly disclose:

- data for a plurality of years
- specifying a specific year of the data
- that the different data is data from a different year than that specified
- wherein the edited map data from the specific year and the edited map data from the different year are superimposed on a display.

Slemmons '387 discloses:

- data for a plurality of years (Slemmons '387: col. 8, lns. 45-55);
- specifying a specific year of the data (Slemmons '387: col. 8, lns. 45-55);
- that the different data is data from a different year than that specified (Slemmons '387: col. 8, lns. 45-55).

It would have been obvious to a person having ordinary skill in the art to apply the data over a plurality of years of Slemmons '387 with the digital map reader of Bertrand '989. The motivation to combine is suggested by Slemmons '389 which discloses time period comparisons as one of many desirable parameters to compare data (Slemmons '387: col. 8, lns. 45-55).

Although the disclosure of Slemmons '389 is directed towards financial data, the teaching of Slemmons '389 is relevant to all species of data, including the map data of Bertrand '989.

Response to Arguments

8. Applicant's arguments filed May 28, 2004 have been fully considered but they are not persuasive. Applicant's argument are addressed as follows:

- A. Applicant argues that the references taken individually do not disclose "storing or editing map data from a plurality of years" (Amendment: p. 10, ln. 2, lns. 10-11, and 17-18).

In general, in response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Bertrand '989 discloses storage of map data, Gray '811 discloses editing means (as well as map data), and Slemmons '387 discloses comparison of data over a plurality of years as set forth in the Claim rejections (*supra*). Additionally the Claim rejections provide a motivation to combine (*supra*). Bertrand '989, Gray '811, and Slemmons '387 taken in combination, then discloses storage of map data (Bertrand '989), for a plurality of years (Slemmons '387), with a means to access and edit the data (Gray '811). Thus the combination of the references reads on "storing or editing map data from a plurality of years."

- B. Applicant argues that Slemmons '387 is non-analogous art (Amendment: p. 10, lns. 15-16).

Examiner notes that the person having ordinary skill in the art is a database application developer, not a cartographer or a stock broker. From the perspective of the database application developer, Slemmons '387 discloses comparison of data with respect to time (Slemmons '387: col. 8, lns. 45-55). That Slemmons '387 is directed to the comparison of stock data with respect to time does not change the structural observation that Slemmons '387 is directed to the comparison of data with respect to time. Thus Slemmons '387, structurally, is in fact analogous art.

- C. Applicant asserts that the hypothetical combination is different from that of Applicant (Amendment: p. 11, lns. 7-10).

On the contrary, referring to the response to argument A (supra), Bertrand '989, Gray '811, and Slemmons '387 taken in combination as set forth in the Claim rejections (supra), discloses storage of map data (Bertrand '989), for a plurality of years (Slemmons '387), with a means to access and edit the data (Gray '811) reads on a "comparative display of map data from different years" (Amendment: p. 11, lns. 9-10).

Applicant asserts that Gray '811 discloses telephone data rather than map data, therefore the combination of Bertrand '989, Gray '811, and Slemmons '387

would show telephone data rather than map. Examiner points out that both Bertrand '989 and Gray '811 disclose map data (Bertrand '989: col. 4, lns. 39-40; Gray '811: Fig. 2 – note the map features in the Figure). Therefore, based on the disclosure of Bertrand '989 and Gray '811, there is no reason to suppose only telephone data, rather than map data would be displayed in the combination.

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patrick J.D. Santos whose telephone number is 571-272-4028. The examiner can normally be reached on M-F 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 571-272-4023. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Patrick J.D. Santos
November 16, 2004


SAFET METJAHIC
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER